

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-151

GABIEL Y. BONILLA,

Defendant.

ORDER DENYING MOTION FOR SENTENCE REDUCTION

On September 14, 2021, Defendant Gabiel Y. Bonilla entered a plea of guilty to the crime of conspiracy to distribute and possess with intent to distribute at least 100 grams but less than 1 kilogram of heroin and 40 grams but less than 400 grams of fentanyl. Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the Plea Agreement required the court to impose a sentence of 7.5 years of imprisonment upon acceptance of Bonilla's plea of guilty. The court accepted the plea and imposed the mandated sentence. Bonilla, on January 16, 2024, sent a letter to the court requesting a determination of whether he is eligible for a sentence reduction based on the retroactive applicability of Amendment 821 to the United States Sentencing Guidelines. He is not.

Construing Bonilla's letter as a motion for a sentence reduction, the court concludes that it must be denied. Amendment 821 reduced the assignment of status point in determining a criminal's criminal history. In certain cases, it can result in a reduction in the Guideline range applicable to a particular defendant for a particular offense. The Guidelines, however, had no application in this case. Bonilla's sentence was imposed as a result of the agreement of the parties,

entered under Rule 11(c)(1)(C). Thus, the reduction has no impact on Bonilla's sentence and he is not entitled to relief. His motion is, therefore, denied.

SO ORDERED at Green Bay, Wisconsin this 17th day of January, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge